

Decision 04-07-008 July 8, 2004

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of the City of Sacramento, CA for an order authorizing the City to: Relocate the existing crossing at 12<sup>th</sup> and 16<sup>th</sup> Street (CPUC No. 083N-1.78) 200 feet to the East.

Application 04-01-014  
(Filed January 14, 2004)

**O P I N I O N**

**Summary**

This decision grants the City of Sacramento's (City) request to relocate the existing Sacramento Regional Transit District (District) at-grade highway-rail crossing (crossing) at 12<sup>th</sup> and 16<sup>th</sup> Streets two hundred feet to the east. The existing crossing, identified as California Public Utilities Commission (Commission) crossing No. 083N-1.78, will be closed. The new, relocated crossing will be identified as Commission crossing No. 083N-1.81.

**Discussion**

The City requests authority to relocate the existing District crossing at 12<sup>th</sup> and 16<sup>th</sup> Streets two hundred feet to the east. The existing crossing provides access from 16<sup>th</sup> Street to 12<sup>th</sup> Street across the District track. It allows for vehicles to make a U-turn movement from 16<sup>th</sup> Street to 12<sup>th</sup> Street, as well as to make a left-turn movement from a self-storage facility on the east side of 16<sup>th</sup> Street. The warning devices consist of two Commission Standard No. 9's, flashing light signals with automatic gates. Movements from 12<sup>th</sup> Street, and the adjacent

Richards Boulevard area, to 16<sup>th</sup> Street are done by way of Sproule Avenue which is controlled by traffic signals only.

The purpose of the proposed project is to improve traffic circulation by eliminating the circuitous route from 12<sup>th</sup> Street to 16<sup>th</sup> Street, reduce the accident potential at the existing District crossing at Sproule Avenue and 12<sup>th</sup> Street, and to support the existing and planned developments along Richards Boulevard and the downtown Sacramento area.

The City proposes to relocate the existing District crossing at 12<sup>th</sup> and 16<sup>th</sup> Streets two hundred feet to the east. This will align the crossing with Richards Boulevard, constructing a new intersection controlled by traffic signals allowing left-turn movements to and from Richards Boulevard and 16<sup>th</sup> Street. The existing crossing will be closed as part of the relocation.

The new crossing will be equipped with a Commission Standard No. 9, flashing light signals with automatic gate, on each of the four corners of the crossing in accordance with Commission General Order 75-C. The traffic signals will be pre-empted by the light rail vehicles, and a “Signal Ahead” sign with flashing yellow beacons will be provided in advance of the traffic signal intersection on the 12<sup>th</sup> Street approach.

Pedestrians will be directed to use the south side of the crossing, and will be restricted from using the north side of the crossing by fencing and barriers. To guide pedestrians on the south side a pedestrian storage area is defined by fencing, uses stamped concrete, contrasting pavement colors/textures, and pedestrian pull gates. Train activated “Trolley Coming” message signs, and the flashing light signals on the gates, provide active warning to pedestrians crossing the track.

The Commission Consumer Protection & Safety Division-Rail Crossings and Engineering Section (RCES) staff has reviewed the location with respect to the need for grade separation, and concurs with the City that grade separating the proposed crossing is not practical at this time due to geometric constraints.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code Section 21000 et seq. On March 7, 2002, the City filed a Notice of Exemption (NOE) with the Sacramento County Clerk. The NOE claims categorical exemption pursuant to CEQA Guidelines, Sections 15301(c) and 15304(a)(f). Section 15301(c) provides an exemption from CEQA review for minor alterations of existing facilities, including existing highways, streets, sidewalks and similar facilities except where activity will involve a scenic resource. Section 15304(a) and (f) provide an exemption from CEQA review for minor alterations to land including grading with a slope of less than 10 percent and minor trenching and backfilling where the surface is restored, respectively. The Commission is a responsible agency for this project under CEQA. We have reviewed the lead agency's NOE and find that it is adequate for our decision-making purposes. It is our understanding that no new track will be installed as part of the proposed relocation. Activities will include the laying of asphalt through the transit right-of-way to connect 12<sup>th</sup> and 16<sup>th</sup> Streets across the track and installation of warning devices. We note that the addition of health and safety protection devices is exempt from CEQA review under CEQA Guideline Section 15301(f). We adopt the City's findings that this project is categorically exempt from the requirements of CEQA pursuant to Sections 15301(c) and 15304(a)(f).

RCES inspected the site of the proposed crossing relocation. After reviewing the need for and safety of the proposed crossing relocation, RCES

recommends that the requested authority sought by the City be granted for a period of two years.

Application 04-01-014 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 39, which relates to the widening or relocation of an existing crossing.

In Resolution ALJ 176-3127, dated January 22, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Notice of the Application was published in the Commission's Daily Calendar (CDC) on January 16, 2004. No protests have been received. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3127.

The City has requested the order become effective immediately. This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waved.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the CDC on January 16, 2004. No protests have been filed.

2. The City requests authority, under Public Utilities Code Sections 1201-1205, to relocate the existing at-grade crossing two hundred feet to the east. The existing crossing, Commission crossing No. 083N-1.78, will be closed. The new, relocated crossing will be identified as Commission crossing No. 083N-1.81.

3. Public convenience, safety, and necessity require the relocation of the subject crossing.

4. Public safety requires that the crossing be equipped with one Commission Standard No. 9, flashing light signals with automatic gate on each of the four corners of the crossing. Additionally, for pedestrians a fenced area on the south side of the crossing will use stamped concrete, contrasting pavement colors/textures, pedestrian pull gates, and train activated “Trolley Coming” message signs.

5. The City is the lead agency for this project under CEQA, as amended.

6. The City determined this project to be categorically exempt from the requirements of CEQA, pursuant to CEQA Guideline Sections 15301(c) and 15304(a)(f).

7. The Commission is a responsible agency for this project, and has reviewed and considered the City’s environmental documentation specified in this decision, and finds the documentation adequate for decision-making purposes.

### **Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. We adopt the City’s finding that this project is exempt from CEQA, pursuant to CEQA Guideline Sections 15301(c) and 15304(a)(f).
3. The application should be granted as set forth in the following order.

### **O R D E R**

#### **IT IS ORDERED** that:

1. The City of Sacramento (City) is authorized to relocate the existing Sacramento Regional Transit District (District) at-grade highway-rail crossing (crossing) at 12<sup>th</sup> and 16<sup>th</sup> Streets two hundred feet to the east. The existing crossing, identified as California Public Utilities Commission (Commission)

crossing No. 083N-1.78, will be closed. The new, relocated crossing will be identified as Commission crossing No. 083N-1.81.

2. The crossing shall be equipped with one Commission Standard No. 9, flashing light signals with automatic gate on each of the four corners of the crossing. The pedestrian crossing on the south side shall consist of a fenced area using stamped concrete, contrasting pavement colors/textures, pedestrian pull gates, and train activated "Trolley Coming" message signs.

3. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the City and the District (parties). Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

4. Within 30 days after completion of the work under this order, the City shall notify the Commission's Rail Crossing Engineering Section in writing, by submitting a completed Standard Commission Form G (Report of Changes at Highway Grade Crossing and Separations), that the authorized work was completed.

5. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

6. This application is granted as set forth above.

7. Application 04-01-014 is closed.

This order is effective today.

Dated July 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
CARL W. WOOD  
LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners